

REMARKS

By Office Action dated 4 May 2005, the Examiner rejected all of the pending claims, claims 1-4, 6-15, and 17-20, of the patent application. These claims were the claims pending upon entry of the Applicant's amendment dated 13 April 2005.

The Applicant, however, filed a Supplemental Amendment on 27 April 2005. This Supplemental Amendment appears not to have been entered or considered by the Examiner in the 4 May 2005 Office Action.

The Supplemental Amendment, filed on 27 April 2005, used the mailing procedures of 37 C.F.R. Section 1.8. And, the Office Action was issued seven days later, on 4 May 2005. The filing and issuance of the Supplemental Amendment and the Office Action, respectively, appears to be a situation of an 'Action Crosses Amendment' as set forth in MPEP Section 714.05. Entry of the Applicant's Supplemental Amendment is believed to be appropriate.

Accordingly, the listing of claims, as set forth herein, indicate the claims to be previously presented. A copy of the 27 April Supplemental Amendment is enclosed herewith. The listing of claims of the Supplemental Amendment, identifies, by underlining and stricken-through lines, the claim amendments set forth in the Supplemental Amendment.

The following remarks and arguments reference the claim amendments identified in the 27 April Supplemental Amendment. As the 4 May Office Action rejects the claims based upon the same references as those addressed in the 27 April Supplemental Amendment, the following remarks and arguments, originally set forth in the Supplemental Amendment, are believed to remain pertinent and persuasive.

In the Supplemental Amendment, new, independent claims 21 and 24 were presented, and claims 1 and 13 were cancelled.

New, dependent claims 22-23 and 25 were also presented. Various of the remaining dependent claims were amended or cancelled responsive to the newly-presented independent claims.

Claims 21 and 24 were drafted in manners believed to distinguish the invention of the present application over the cited references of Vanttila and Hansson, used alone or in

combination, to reject the claims of the patent application.

With particular respect to claim 21, an apparatus including a network-positioned download parameter initiation signal generator and a network-positioned data call connector is recited. Method claim 24 recites analogous method operations.

Neither of these cited references disclose the structure, or corresponding method, as now recited.

The Examiner relies upon Vanttila for showing feature codes that are provided to a mobile station to activate software resident at the mobile station. Vanttila, however, indicates that SMS messages are exchanged between an operator and a user terminal. No direct data call connection is provided. As claims 21 and 24 recite structure and methodology for the formation of a direct data call connection, these claims are believed to be distinguishable over Vanttila.

Additionally, Figures 4 and 5 of Vanttila, together with their corresponding descriptions, indicate initiation of operations by a user terminal. And, while the applicant notes column 3, lines 9-21 of Vanttila that shows an SMS message sent by the network to a mobile terminal, the method pertains to a procedure in which a feature is activated at the network, contrary to the recitation of claims 21 and 24.

Hansson was cited, in the 4 May 2005 Office Action, for showing a server that downloads data to a mobile station through a data connection directly between the mobile station and the server after receiving a response from the mobile station. Review of the cited portion of Hansson (column 3, line 61 – column 4, line 5), however, merely states that a sever processor transmits software to a cellular telephone. There is no disclosure of a network-positioned data call connector that forms a direct data call connection directly with a network node, as recited now in the claims. To the extent that the Examiner asserts Hansson to disclose such structure or method, such assertion is respectfully traversed.

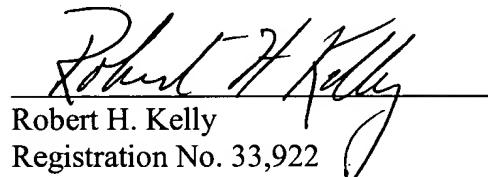
As the dependent claims include the limitations of their respective parent claims, these claims are also believed to be distinguishable over the references cited against the claims for the same reasons as those given with respect to their parent claims.

In light of the foregoing, independent claims 21 and 24 and the dependent claims dependent thereon are believed to be in condition for allowance. Accordingly, reexamination

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and reconsideration for allowance of these claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,



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